

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

CITY OF SNOQUALMIE,

Petitioner,

v.

KING COUNTY,

Respondent.

CASE No. 13-3-0002

**ORDER ON REMAND, SUPPLEMENTING
THE RECORD, MAKING FINDINGS OF
FACT, AND AMENDING FINAL
DECISION AND ORDER**

This case was remanded to the Board by the Thurston County Superior Court for Board consideration of supplemental information regarding the Mountains to Sound Greenway and development activity in the area requested for expansion of the City of Snoqualmie's Urban Growth Area (UGA). Although the Board made additional findings of fact and some corrections and clarifications to its Final Decision and Order, the additional information did not support a different Board decision in this case.

PROCEDURAL BACKGROUND

This matter came before the Board on remand from the Superior Court for Thurston County, Case No. 13-2-01841-9, for administrative fact finding proceedings.¹ The Court's remand order and a transcript of proceedings² before the Court are entered into the Board's record as provided by the parties on remand. The Court has retained jurisdiction over the remainder of this matter.

The case on the merits concerns, inter alia, King County's failure to approve an expansion of the urban growth area (UGA) at the Interstate 90 interchange with State

¹ Order Granting Motion to Supplement and Remanding for Administrative Fact Finding Proceedings (June 13, 2014).

² Verbatim Report of Proceedings, Thurston County Superior Court, Case No. 13-2-01841-9, June 13, 2014 (hereafter "Transcript").

1 Highway 18 and Snoqualmie Parkway as requested by the City of Snoqualmie.³ When King
2 County adopted its four-year update to its Comprehensive Plan, December 3, 2012, without
3 approving the UGA expansion, the City filed a petition for review challenging the countywide
4 planning process as an unlawful delegation of power,⁴ asserting the County had failed to
5 incorporate and apply legislative amendments to RCW 36.70A.110(2) in its comprehensive
6 plan and countywide planning policies,⁵ and alleging that failure to expand the Snoqualmie
7 UGA violated RCW 36.70A.110(2) as amended.⁶

9 In its August 12, 2013, Final Decision and Order the Board determined Snoqualmie
10 had not met its burden of demonstrating clear error by King County in denying the
11 requested UGA expansion.⁷ The Board found King County's failure to approve the additional
12 urban area requested by the City of Snoqualmie for shopping center development was
13 supported by facts in the record. The Board found that one of nine facts considered by the
14 County was that the property at issue is in the Mountains to Sound Greenway.⁸

16 On appeal before the Superior Court, the City advanced the allegation that the Board
17 had based its decision on the location of the proposed expansion within the Mountains to
18 Sound Greenway.⁹ The present question remanded by the Court concerns whether the
19 UGA expansion property is within the Mountains to Sound Greenway, and if so, whether the
20 Mountains to Sound Greenway prohibits logging and whether the Board's Final Decision
21

23 _____
24 ³ The history of Snoqualmie's efforts to expand at this location is provided in the Final Decision and Order, at
25 34-35.

26 ⁴ Snoqualmie had brought a similar challenge to countywide planning in 1992. *Snoqualmie I v. King County*,
27 GMHB No. 92-3-0004, Final Decision and Order (March 1, 1993).

28 ⁵ The 2009 legislative amendments require consideration of non-residential uses needed to serve a population
29 of a city or county when UGA boundaries are established. SHB 1825 amended RCW 36.70A.110(2), .115, and
30 .210(3)(g).

31 ⁶ *Snoqualmie II v. King County*, GMHB No. 13-3-0002, Final Decision and Order (August 12, 2013) (hereafter
32 Final Decision and Order or FDO), at 1-2.

⁷ See, RCW 30.70A.320(1) (burden to demonstrate noncompliance is on petitioner); RCW 36.70A.320(3)
(Board "shall find compliance" unless the action is "clearly erroneous in view of the entire record before the
board and in light of the goals and requirements" of the GMA); RCW 36.70A.3201 (Board must grant
deference to local legislative actions).

⁸ Final Decision and Order, p. 53: "The requested I-90 UGA is within the Mountains to Sound Greenway, a
corridor along I-90 that is the focus of a major initiative to preserve the natural scenic beauty of the Western
Cascades."

⁹ Transcript of Proceedings (June 13, 2014) at 8- 9.

1 and Order must be modified in light of Snoqualmie's assertion that King County authorized
2 clear-cutting on the property requested for UGA expansion.

3 During the proceedings on the merits before the Board, the ownership and current
4 use of the area was not at issue. No party informed the Board that the owner of the majority
5 of the site proposed for inclusion in Snoqualmie's UGA was Puget Western, Inc.,¹⁰ and that
6 Puget Western had commenced the process for selective cut of the timber on the property
7 to accommodate rural development.
8

9 The matter was presented to the Superior Court by counsel for the City, who
10 submitted Puget Western's approved timber harvest site plan and boundary line adjustment
11 application, together with counsel's photographs of the site after logging.¹¹ The evidence
12 that the County had issued permits for timber harvest and rural development, submitted for
13 the first time on appeal to Superior Court, called into question for the Court the Board's
14 statements in the FDO that the requested UGA is within the Mountains to Sound Greenway.
15 The Court, noting that the timber cutting permit was authorized after the Board's hearing on
16 the merits but before issuance of the final decision and order, remanded the new evidence
17 to the Board pursuant to RCW 34.05.562 - **New evidence taken by court or agency.**
18

19 RCW 34.05.562(2) provides the court "may remand a matter to the agency" directing
20 that "the agency conduct fact-finding and other proceedings the court considers necessary"
21 if "(b) [t]he court finds that (i) new evidence has become available that relates to the validity
22 of the agency action at the time it was taken . . . and (ii) the interests of justice would be
23 served by remand to the agency."
24

25 On remand, the Board set a schedule for filing proposed supplements to the record,
26 and for briefing and oral argument.¹² The Board considered the pleadings of the parties,¹³
27

28
29 ¹⁰ At the hearing on the merits, it was represented to the Board that the owner of the major part of the property
was King County Public Hospital District No.4. FDO, p. 3, n. 3.

30 ¹¹ Remand Exs. 1, 2, and 3.

31 ¹² Order Setting Briefing and Hearing Schedule on Remand, July 28, 2014.

32 ¹³ King County's Remand Index, July 22, 2014; City of Snoqualmie's Opening Brief on Remand, August 12,
2014; King County's Response Brief on Remand, September 4, 2014; City of Snoqualmie's Reply Brief on
Remand, September 11, 2014; King County's Surreply on Remand, September 17, 2014; City of Snoqualmie's
Motion to Strike, September 18, 2014; King County's Response to the City of Snoqualmie's Motion to Strike,
September 19, 2014.

1 reviewed the declarations and documents submitted,¹⁴ and heard argument of counsel. The
2 remand hearing was convened September 23, 2014, with Board members Margaret Pageler
3 and Cheryl Pflug present, and Charles Mosher attending telephonically. The City of
4 Snoqualmie appeared by its attorney Bob Sterbank and King County appeared by deputy
5 prosecuting attorney Jennifer Stacy. At the hearing, the Board orally granted the City's
6 motion to strike additional exhibits attached to the County's surreply, finding the prehearing
7 order on remand allowed a brief surreply but no additional exhibits. However, on review the
8 Board notes the County's surreply Exhibit C is simply a section of the Ordinance that is the
9 subject of this appeal and thus will not be stricken.

12 POSITIONS OF THE PARTIES

13 The City of Snoqualmie argues that the Board incorrectly based its decision in this
14 case on the County's references to the Mountains to Sound Greenway, which suggested
15 that denial of the City's requested UGA expansion was based on a mistaken belief that the
16 entire Greenway area was slated to be preserved as a forested corridor. The City contends
17 the references to the Greenway in the Final Decision and Order (FDO) did not provide a
18 proper balance showing that the Greenway includes both developed, urban areas and
19 undeveloped, natural lands. Also, the City asserts that, had the Board made its decision
20 with knowledge that a large section of the requested UGA expansion area was being
21 clearcut, the Board would have decided differently. The City reasons that timber harvest on
22 portions of the proposed area indicate that it was available for more intensive development
23 and could be included in the City's UGA. With this additional information before the Board,
24 the City argues the Board should reverse its ruling concerning the County's failure to
25 approve the City's UGA expansion request.¹⁵

28 The County responds that the location of the requested UGA expansion area in the
29 Mountains to Sound Greenway was a "remarkably minor" aspect of the County's denial of
30

31 ¹⁴ See attached Supplementation Matrix.

32 ¹⁵ Snoqualmie's initial petition for review to the Board posed the question whether the County erred in denying the City's UGA expansion request. On remand, the City asserts the County made no decision and therefore the Board should withdraw its ruling on the legal issue posed in the original petition. This question has been raised in Superior Court and is beyond the scope of the fact finding remand.

1 the City's UGA expansion and of the Board's FDO. The County presents Greenway
2 documents demonstrating a goal of protecting scenic and outdoor values in balance with the
3 economic growth of the region. The County asserts selective timber harvest and rural
4 development on the Puget Western property is not contrary to Greenway goals and
5 provides no basis for urban growth area expansion or for relitigating issues previously
6 decided.¹⁶
7

8 Both parties were diligent in submitting additional documentation for the fact-finding
9 proceeding and in offering proposed findings. The Board appreciates the Court's remand
10 and the opportunity to clarify and correct the FDO.
11

12 **BOARD ANALYSIS AND FINDINGS**

13 ***Mountains to Sound Greenway***

14 At the Hearing on the Merits, the Board requested that King County clarify from the
15 record its policies concerning the Mountains to Sound Greenway.¹⁷ In accordance with
16 Board Rules of Procedure at WAC 242-03-610(5) and 242-03-800, the County submitted
17 post-hearing documents from the record totaling **seven** pages of excerpts from its
18 comprehensive plan containing references to the Greenway.¹⁸ Snoqualmie in response
19 indicated the City also participated in the Greenway initiative.¹⁹
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21

22
23 ¹⁶ *i.e.*, whether the County's denial of the City's expansion request failed to comply with RCW 36.70A.110(2)
as amended by SHB 1825.

24 ¹⁷ Final Decision and Order, p. 6: "The Board also inquired whether the Mountains to Sound Greenway was
25 specifically acknowledged or adopted in CPPs or the County Comprehensive Plan. The County provided
26 excerpts from the 2012 Comprehensive Plan, Attachment A to Ordinance 17485, showing the Mountains to
27 Sound Greenway identified in Transportation Policies at CO 006743, Resource Lands Policies at CO 006457-
460, and Open Space Policies at CO 006680. For ease of reference, this packet is labeled **HOM Ex. 4**. As
28 *these materials are already in the record*, no ruling on supplementation is required." (Emphasis added).

29 ¹⁸ Counsel for the City before the Superior Court mischaracterized this as an "unlawful procedure" involving
30 "extra-record evidence." Transcript of Proceedings (June 13, 2014), p. 7. Counsel told the court the County
submitted "some 100 or more pages of additional material relating to the Greenway." Transcript, p. 8. These
31 seven pages were simply sections of the Ordinance that was the subject of the appeal. The Board's procedure
allows post-hearing submittals at the Board's request - WAC 242-03-610(5).

32 ¹⁹ Final Decision and Order, p. 6: "Snoqualmie submitted a letter commenting on the post-hearing materials
(July 1, 2013) and the County replied with a request that the letter be stricken (July 2, 2013). The Board's rules
provide, in "exceptional circumstances" when the Board allows or requests submission of post-hearing
materials, "the opposing party shall have the opportunity to respond [citing WAC 242-03-610(5)]. Snoqualmie's
response is therefore allowed."

1 The Board's inquiry was made at its Hearing on the Merits, during which the Board
2 attempts to get as much information and clarity regarding the case as possible prior to
3 making its decision.²⁰ The clarification which the Board sought and which the court
4 apparently is also seeking is whether the Mountains to Sound Greenway has been adopted
5 in King County policies and whether it entails a regulatory scheme that limits property
6 development with specific requirements for forest preservation, dedication of trails, and the
7 like.
8

9 On remand the parties have submitted voluminous materials characterizing the
10 Mountains to Sound Greenway.²¹ The submitted materials indicate the Greenway is an
11 initiative to preserve scenic vistas, outdoor recreation, and forests and farms along the I-90
12 Corridor from Puget Sound to Elk Heights east of Cle Elum, through mechanisms such as
13 voluntary set-asides of natural areas and sensitive design of development. Local
14 jurisdictions and public agencies such as WSDOT implement the initiative through their own
15 policies. A non-governmental association, the Mountains to Sound Greenway Trust,
16 facilitates collaboration and spearheads private sector participation.
17

18 The Board **supplements** the record with the following:

- 19 • Remand Exhibit 4 - "Mountains to Sound Greenway: A Vision in Progress,"
20 (1993), RM 012-13
- 21 • Remand Exhibit 6 - "Mountains to Sound Greenway, Twenty Years," (September,
22 2010), RM 040-67
- 23 • Remand Exhibit 12 - "Mission and Vision" from Greenway Trust website (August
24 12, 2014), Sterbank Declaration. Ex. B.
25
26

27 ²⁰ "The main goal of the Hearing on the Merits is for the Board to ask questions of the parties and to clarify any
28 items of concern raised from the parties' Briefs. Occasionally, in response to the Board's questions, the Board
29 may request that the parties provide additional briefing and/or documentation." GMHB Handbook, *Practicing*
30 *before the Board*" at 5; See, e.g. WAC 242-03-610/ WAC 242-03-650.

31 ²¹ The Board notes the City has reversed its position. Before the Superior Court the City argued the Board
32 (and County) erred by asserting a Greenway preservation value for the site when in fact Puget Western was
clearcutting the property. The City asserted "it's untrue to say that the Greenway is okay with development."
Transcript of Proceedings, RM 110. On remand for fact finding, the City argues the Greenway favors urban
development. The City proffers supplemental materials featuring commercial and industrial areas at freeway
interchanges to demonstrate that Puget Western's activity (and the City's UGA request) is consistent with
Greenway goals.

1 The City objects to "A Vision in Progress" (R Ex. 4) because it is labeled "1993 Draft
2 for your Review and Response," and thus is not a final adopted statement. The Board finds
3 the "vision in progress" is the clearest evidence provided of the intended scope and
4 emphasis of the Greenway initiative. It shows the Greenway map taking in all the land from
5 peak to peak on both sides of Interstate 90. It demonstrates that the Mountains to Sound
6 Greenway Trust was formed in an effort to ensure that scenic beauty, outdoor recreation,
7 colorful pioneer history, and natural resources along Interstate 90 would be sustainable and
8 vital as the region grew. It explains:
9

10 Everyone involved in the Greenway effort recognizes the power of Interstate
11 90 to generate urban sprawl from the Puget Sound waterfront to Elk Heights
12 beyond Snoqualmie Pass. The Greenway Trust was formed to take an active
13 role in assuring that the heart of our region's future will not be a strip city, but
14 rather a beautiful multi-purpose green gateway connecting productive urban
centers and magnificent natural treasures.²²

15 It shows the Greenway Trust from its inception recognized the diversity of conditions and
16 opportunities along the length of the corridor and at each of the I-90 interchanges, including
17 existing urban or commercial development.
18

19 "Mountains to Sound Greenway: Twenty Years" (R Ex. 6) reports on the Greenway
20 Trust's major accomplishments as of September 2010. RM 066. These include extensive
21 trail improvements, park land acquisition, expansion and restoration, preservation of farms
22 and forests, and the designation of this stretch of I-90 as the nation's first interstate segment
23 named a National Scenic Byway.²³
24

25 The "Mission and Vision" statement from the Greenway Trust website (R Ex. 12)
26 summarizes the organization's core value: "action to conserve and enhance the landscape."
27 The "landscape" includes natural and wildlife areas, working farms and forests, scenic vistas
28 and outdoor recreation, all "while embracing vibrant urban areas with strong economies."
29

30 The Mountains to Sound Greenway designation does not itself impose any limitation
31 on development. Local governments in the corridor from Seattle to Elk Heights east of Cle
32

²² R Ex. 4, Mountains to Sound Greenway: A Vision in Progress (1993), RM 013.

²³ One noted major Greenway accomplishment: "Instead of convenience stores and gas stations, south side of intersection of I-90 and Hwy 18 preserved for scenic views." R Ex. 6, RM 066.

1 Elum incorporate the Greenway vision into their comprehensive plans and development
2 regulations pursuant to their own processes and authorities.

3 King County has adopted comprehensive plan policies to protect the scenic values of
4 the Mountains to Sound Greenway. The 2012 plan update that is the subject of this appeal
5 references the Greenway in transportation policy T-316,²⁴ resource land policy R-638,²⁵
6 open space policy,²⁶ and community plan policy CP-940.²⁷

7
8 The City of Snoqualmie adopted the Snoqualmie Valley Vicinity Comprehensive Plan
9 Amendments in 2006. The Board **admits** as Remand Exhibit 14 an excerpt from the plan,
10 Sterbank Dec. Ex. H, which documents how the City teamed with the Greenway Trust and
11 the Trust for Public Lands in 1999 to acquire 60 acres of commercially-zoned property in
12 order to preserve “the natural wooded character and unique viewpoint potential” of land in
13 the Rattlesnake Ridge Planning Area. Snoqualmie’s 2006 Plan policy 2.C.7 provides:
14 “Participate with the Mountains to Sound Greenway Trust . . . to protect the scenic nature of
15 the I-90 corridor and the Upper Snoqualmie Valley.”
16

17 The Washington Department of Transportation (WSDOT) in 1998 adopted the
18 Mountains to Sound Greenway Implementation Plan. Both the City and County have
19 submitted lengthy sections from the WSDOT document. The Board **admits** the following
20 excerpts from WSDOT’s Mountains to Sound Greenway Implementation Plan, Volume 3,
21 Roadside Masterplan (May, 1997):²⁸
22

- 23 • Remand Exhibit 10A – Introduction, p. 1-2, RM 125-36.
- 24
- 25
- 26

27 ²⁴ “King County shall support and encourage the preservation and enhancement of scenic, historic, and
28 recreational resources along the designated Washington Scenic and Recreational Highways located in the
29 county, including I-90 (Mountains to Sound Greenway),” . . . CO 006743.

30 ²⁵ Describing the Biosolids Forestry Program as a public/private partnership to ensure forest resource land
31 retention. CO 006460.

32 ²⁶ “The Mountains to Sound Greenway, along the I-90 corridor, is a successful model for coordination of efforts
by public and private entities to protect the backbone of the county’s open space system.” CO 006680.

²⁷ R Ex. 15, CP 940: “Land uses at freeway interchanges without existing commercial or industrial
development . . . are designated rural residential . . . to preserve the scenic nature of the corridor.”

²⁸ Additional proffered sections of the WSDOT Mountains to Sound Greenway Implementation Plan are
denied as redundant or not relevant.

- Remand Exhibit 10B – Goals for the Corridor, and Existing Conditions, p. 24-29, RM 145-50.²⁹

- Remand Exhibit 10C – Built Elements Inventory Map, RM 213.³⁰

Much of the WSDOT document is specific to highway design and development, but the Roadside Master Plan provides the context for the Transportation Department's efforts to preserve and enhance a scenic highway. The admitted excerpts underscore the linkage between WSDOT's scenic highway goals and local jurisdiction land use planning under the pressure for urban expansion. RM 147-48. WSDOT notes new timber harvest practices have been implemented that minimize visual impacts of logging. RM 149. WSDOT supports the Greenway premise that urban development can coexist and complement the scenic highway corridor through local zoning and design review measures, such as buffer zones and berms along the highway, viewshed protection through zoning overlays that guide height and location of buildings, site design in areas visible from the Interstate, tree preservation, and limits on commercial signage. RM 148-49.

Both the City and County submitted photographs, planning policies and other materials concerning industrial and commercial development along I-90, specifically at Preston and North Bend.³¹ The Board finds these materials irrelevant and not necessary or of substantial assistance to determination of the facts on remand. The fact that urban development is not *per se* prohibited within the Mountains to Sound Greenway is amply demonstrated in the Greenway Trust 1993 "Vision Statement" (R Ex. 4) and 2010 Twenty Year Report (R Ex. 6). Whether local authorities have appropriately implemented the Greenway vision at other locations or whether industrial or commercial structures at another

²⁹ Identical language is found in the section proffered by Snoqualmie from the Executive Summary, Volume 1, p. 1-5 to 1-8.

³⁰ At the time of this mapping, Snoqualmie Parkway was proposed but not yet extended to link with State Highway 18.

³¹ Snoqualmie Valley Community Plan Area Zoning (Preston provisions), RM 263-270; Declaration of Ava Van (August 8, 2014) with photographs of Preston Interchange, Ex. A-F; Second Declaration of Jon Pederson (August 29, 2014), with photographs, Ex. A-F of Preston area, RM 271-278; Declaration of Ava Van (September 11, 2014), with photographs of North Bend interchanges, Ex. A-F.

1 interchange are compatible with that vision is not germane to the questions posed by the
2 Court.³² These materials are **denied**.³³

3 The City urges the Board to make a finding of fact “that the location of the UGA
4 amendment site within the Mountains to Sound Greenway is *not relevant* to whether King
5 County erred by not adding the properties to Snoqualmie’s UGA.”³⁴ The County, for its part,
6 asserts the Mountains to Sound Greenway location is “a remarkably minor aspect” of the
7 Board’s core determination that King County did not err in denying the City’s UGA
8 expansion request because the County’s UGA is sufficiently sized.³⁵

10 Both the City and County were aware the requested UGA site was within the
11 Mountains to Sound Greenway.³⁶ The Greenway “vision” for scenic protection at I-90
12 interchanges was noted in the County’s review of the requested urban expansion at that
13 site. However, the Greenway location merited only a single sentence in the County’s Area
14 Zoning Study.³⁷ Rather, the County’s analysis focused on “**the central premise**” of the
15 **Snoqualmie application, which was the City’s assertion that its adoption of a target for**
16 **capture of retail sales required the County to approve its request for UGA expansion**
17 **under RCW 36.70A.110(2) (as amended by SB 1825).**³⁸

19 The question presented to the Board in the case on the merits was whether the
20 County violated RCW 36.70A.110(2) in failing to grant the requested UGA expansion. The
21 statutory provisions at issue go to the size of a UGA and the need for urban land, not
22 specific location. The Board’s review of the record and the parties’ arguments on the merits
23

25
26 ³² Greenway documents, WSDOT Roadside Master Plan, and County plan documents all demonstrate that
27 specific interchanges have unique development or preservation history and opportunities.

28 ³³ Other redundant materials are also **denied**. See Supplementation Matrix.

29 ³⁴ City Opening Brief, p. 11 (emphasis in original).

30 ³⁵ County Response, p. 1.

31 ³⁶ See CollinsWoerman, City of Snoqualmie Urban Growth Area Analysis, December 9, 2011 (hereafter
32 CollinsWoerman), p.12, CO010601, and 2012 King County Comprehensive Plan Update, Highway 18-
Interstate 90 Interchange Area Zoning Study (hereafter, Area Zoning Study), at EY 000602.

³⁷ Area Zoning Study, EY000602, “The study area is within the Mountains to Sound Greenway, the corridor
along I-90 that has been the focus of a major effort to preserve the natural scenic character of this area.”

³⁸ Area Zoning Study, EY000605, “The central premise of the Snoqualmie UGA study is that the city’s policy
goal of capturing two-thirds of its retail leakage, and the claim that retail leakage is caused by a lack of
commercial land, is valid justification to expand the UGA....”

1 focused on land capacity, with little reliance on information about the proposed site.³⁹ **The**
2 **Board's decision was grounded in its determination that the County did not err in**
3 **determining that Snoqualmie's UGA was sufficiently sized.**

4 Having reviewed the documents submitted by the parties and considered their briefs
5 and arguments, the Board enters the following **findings of fact** concerning the Mountains to
6 Sound Greenway:
7

8 **Findings of Fact**

9
10 1. The Mountains to Sound Greenway is a non-governmental initiative to preserve
11 and enhance the landscape on both sides of the I-90 corridor from peak to peak and from
12 the Puget Sound waterfront to Elk Heights east of Cle Elum. The Greenway encompasses
13 over 1.5 million acres of connected natural lands and vibrant urban areas surrounding I-90
14 between the Sound and Central Washington. The Mountains to Sound Greenway Trust was
15 formed in 1991 in an effort to ensure that scenic beauty, outdoor recreation, colorful pioneer
16 history, and natural resources along Interstate 90 would be sustainable and vital as the
17 region grew. R Ex. 4, Mountains to Sound Greenway: A Vision in Progress (1993).
18

19 2. The Mountains to Sound Greenway designation does not itself impose any
20 limitation on development. Local governments in the corridor incorporate the Greenway
21 vision into their comprehensive plans and development regulations pursuant to their own
22 processes and authorities. R Ex. 6, Mountains to Sound Greenway: Twenty Years (2010); R
23 Ex.10B, WSDOT Mountains to Sound Greenway Implementation Plan, Vol. 3: Roadside
24 Master Plan (May 1997).
25

26 3. Urban development is not *per se* prohibited within the Mountains to Sound
27 Greenway, either by the County or City or in the Greenway vision statements. Timber
28 cutting is not prohibited, but new harvest practices minimize visual impacts. R Ex. 10B
29 *supra*, RM 149.
30
31
32

³⁹ Even today, as noted below, the parties on remand have not considered it germane to provide accurate information clarifying the total amount and ownership of the land at issue.

1 4. Snoqualmie's requested UGA expansion area is within the Mountains to Sound
2 Greenway at an Interstate 90 interchange. Interstate 90 through the Greenway is a
3 designated National Scenic Byway. R Ex. 6 *supra*, RM 066.

4 5. The Greenway location of the requested UGA expansion area was noted by the
5 County in its analysis of Snoqualmie's application but was not a determinative
6 consideration.⁴⁰
7

8 6. The Greenway location of the requested UGA expansion was of minor
9 significance to the Board's determination that Snoqualmie failed to meet its burden of proof
10 that the County's action violated RCW 36.70A.110(2).
11

12 ***Status of Requested UGA Expansion Site***

13 The Board's Final Decision and Order addressed whether the County erred in
14 denying a request by the City of Snoqualmie to add 85-90 acres⁴¹ of additional land to the
15 UGA to serve the retail shopping needs for Snoqualmie and nearby residents. The question
16 was whether, under RCW 36.70A.110(2) as amended by SHB 1825, a city's adoption of an
17 arbitrary target for capture of retail sales required the county to approve expansion of the
18 UGA. The County's decision rested primarily on its assessment that the City had not
19 demonstrated a need for more land for commercial retail development within the parameters
20 of the statute.⁴² The Board concluded Snoqualmie failed to meet its burden of proof that the
21 County's action violated RCW 36.70A.110(2).
22

23 The County's Area Zoning Study commented about the specific requested location,
24 noting the property had been acquired for purposes of development of a hospital which was
25 subsequently built on adjoining land within city limits.⁴³ The hospital district administrator,
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29

30 ⁴⁰ Area Zoning Study. EY000602-606.

31 ⁴¹ King County's Area Zoning Study indicates the request concerns "about 85 acres." EY000603. The City of
32 Snoqualmie's Opening Brief on Remand refers to a "90-acre site." Brief, p. 2, line 6, line 12; p. 5, lines 7-8.

⁴² Final Decision and Order, p. 51: "The County asserts there is sufficient land available in the City for the
desired retail services if reasonable measures are taken," citing Area Zoning Study, EY000602-606.

⁴³ Final Decision and Order, p. 48-49, citing Area Zoning Study, EY000602.

1 Rodger McCollum, attended the Board's hearing on the merits and was introduced as
2 representing the majority property owner in the proposed UGA expansion area.⁴⁴

3 The supplemental documents before the Board on remand demonstrate that Puget
4 Western, Inc. owns 51.58 acres of the 85-90 acre UGA expansion area. Puget Western's
5 application for a Boundary Line Adjustment to reconfigure lots on its land has been admitted
6 by the Court. Remand Exhibit 3, RM005-011 (June 2, 2014). In light of the Court's ruling, the
7 Board also **admits** the Site Plan as reviewed by DPER. Remand Exhibit 8, RM076 (May 27,
8 2014). The site plan indicates boundary line adjustments creating four 5-acre lots with an
9 additional 31.58 acre lot. The Board determines that Puget Western is developing up to five
10 rural home sites on 51 acres of the requested UGA expansion area. The Puget Western site
11 plan conditionally approved by King County is authorized under current zoning and in no
12 way alters or increases the existing development capacity of this site. This new evidence
13 provides no basis for the Board's reconsideration of expanding the UGA for shopping
14 development.
15

16
17 The City proffers printouts from the website of Puget Western Inc. showing that the
18 company is a property developer.⁴⁵ The Board does not find these materials relevant and
19 they are **denied**.

20 The Board **supplements** the record concerning Puget Western's timber harvest as
21 follows, eliminating redundant materials:
22

- 23 • Remand Exhibit 5 - Conversion Option Harvest Plan, page 1 – RM 022
- 24 • Remand Exhibit 7 - Grading/Clearing Permit, May 16, 2012 – RM 069-74
- 25 • Remand Exhibit 11 - Forest Practices Permit – RM 225-262.

26 Based on the supplemental exhibits, the Board determines the tree removal
27 authorized by the County and DNR on the Puget Western property was selective timber
28 harvest pursuant to a conversion option harvest plan (COHP). Forest Practices Act
29 regulations at WAC 222-16-010 define and differentiate "clearcut" and "conversion option
30 harvest plan."
31

32 ⁴⁴ Final Decision and Order, p. 3, n. 3.

⁴⁵ Declaration of Bob Sterbank, Ex. G, H, and I – Puget Western Inc.'s website pages "about us," "current portfolio," and Echo_Lake_Site.

- “Clearcut” means a harvest method in which the entire stand of trees is removed in one timber harvest operation.
- “Conversion option harvest plan” means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations and open space.

In the present case, Puget Western applied to King County for a conversion option harvest plan (COHP). (R Ex. 5). The COHP was negotiated and issued by King County subject to Puget obtaining a forest practices permit from the Department of Natural Resources (DNR). (R Ex. 11). The Forest Practices Permit issued August 10, 2012 limits timber harvest volume to 40% and requires leaving at least 100 vigorous, undamaged and well-distributed saplings or merchantable trees per acre (RM231). The Forest Practices Permit expressly incorporates the COHP issued by the County which specifies “All harvest areas will be selectively cut,” i.e., not clearcut, and “additional tree retention will be located within the 200 foot buffer along the southerly property line” adjacent to the freeway (RM238). The DNR follow-up site inspection March 21, 2014 noted: “Harvest is complete and reforestation looks fine.” (RM 227).

The Board generally finds photographic evidence of logging requires considerable testimony as to location, scale and perspective for accurate interpretation. However, as the Court has admitted Bob Sterbank’s declaration and photographs of the site (Remand Exhibit 2), the Declaration of Jon Pedersen, King County Department of Permitting and Environmental Review (DPER) Site Development Specialist, attaching photographs of tree retention on the property and along the I-90 frontage as of July 1, 2014 – RM 077-089, is **admitted** in rebuttal as Remand Exhibit 9.

Rodger McCollum submits a declaration in this supplemental proceeding stating the hospital district owns 20.85 acres of the UGA expansion area, which it wishes to include in the UGA so that it can expand its hospital offices. Under existing R5-A zoning, public agency office use is allowed as a conditional and/or unclassified use. The Board notes landowner intent is not generally relevant to the question of need for UGA expansion.

1 However, in the interest of fact finding concerning the UGA expansion site, the McCollum
2 declaration is **admitted** as Remand Exhibit 13.⁴⁶

3 The Board notes the hospital's intent in the McCollum declaration differs from the
4 case Snoqualmie originally presented to the County, and subsequently to the Board, which
5 rested on the City's assertion that expansion of the UGA was necessary if the City was to
6 meet its target of providing space for commercial retail. In its briefing and testimony before
7 the Board, Snoqualmie construed adequate land as envisioned by SHB 1825 to mean
8 "commercial development sufficient to prevent retail leakage." The City used the term "retail
9 leakage" to refer to the loss of revenue that occurs when Snoqualmie residents make retail
10 purchases outside the city limits. Snoqualmie adopted a city goal of capturing two-thirds of
11 all city household retail spending and one-fifth of auto retail spending within city limits, thus
12 creating a justification for expansion of the city limits for shopping-center development.⁴⁷

13
14 Puget Western and Snoqualmie Valley Hospital together own nearly 75 of the 85-90
15 acres proposed by the City for UGA expansion. Neither the city nor county has provided the
16 Board with any documentation concerning the remaining 10-15 acres.

17
18 Having reviewed the documents submitted by the parties and considered their
19 briefing and argument, the Board enters the following **findings of fact** concerning the status
20 of the requested UGA expansion property:
21

22 **Findings of Fact**

23 7. The site requested by the City of Snoqualmie for UGA expansion is 85-90 acres
24 at the intersection of Interstate 90 and Snoqualmie Parkway as it merges with State
25 Highway 18.
26

27 8. King County Public Hospital District No. 4 (Snoqualmie Valley Hospital) owns
28 20.85 acres. R Ex. 13, Declaration of Roger McCollum, August 12, 2014. Puget Western,
29

30
31 ⁴⁶ The Board must amend the FDO, p. 2, n. 3, to correct a reference to the hospital district as owner of the
majority of the UGA expansion property.

32 ⁴⁷ CollinsWoerman, p. 88, CO 010677. See FDO, p. 50. The King County Area Zoning Study pointed out: "The
central premise of the Snoqualmie UGA study is that the city's policy goal of capturing two-thirds of its retail
leakage, and the claim that retail leakage is caused by a lack of commercial land, is valid justification to
expand the UGA" EY000605.

1 Inc. owns 51.58 acres. R Ex. 8, Puget Western Boundary Line Adjustment and Site Plan.
2 There is no information in the record concerning the remaining 10-15 acres.

3 9. The requested UGA expansion area is currently zoned R5-A, allowing one
4 dwelling unit per five acres. Public agency office use is allowed as a conditional and/or
5 unclassified use.

6 10. The City attested to the County and the Board that the purpose of the UGA
7 expansion request was for retail development to meet the City of Snoqualmie's adopted
8 goal of capturing two-thirds of all city household retail spending and one-fifth of auto retail
9 spending within city limits.⁴⁸

10 11. CollinsWoerman, the City's consultant, identified the SR-18/I-90 interchange area
11 as "unavailable for development" beyond King County's R5-A zoning designation of one
12 dwelling unit per five acres. The report indicates limitations on commercial development at
13 the interchange have historically included its Mountains to Sound Greenway location and
14 that it is outside the UGA. CollinsWoerman, p. 12, CO 010601.

15 12. King County Public Hospital District No. 4 operates administrative offices on its
16 rural-zoned property in the UGA expansion area. Under R5-A zoning, public agency office
17 use is allowed as a conditional and/or unclassified use. R Ex. 13, Declaration of Rodger
18 McCollum, Superintendent, King County Public Hospital District No. 4, August 12, 2014.

19 13. Puget Western applied to King County for a Conversion Option Harvest Plan
20 (COHP) (R Ex. 1 (March 12, 2012)) and a clearing and grading permit (R Ex. 7 (May 16,
21 2012)) to clear portions of its property at the I-90/SR 18 interchange.

22 14. A Conversion Option Harvest Plan ("COHP") allows King County to obtain
23 commitments from the permittee to provide greater critical areas protections as part of the
24 harvest, more so than would be afforded under the State Forest Practices Act.⁴⁹ R Ex. 9,
25 RM 077-78. Once a COHP is approved by the County, the permittee may then apply to the
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⁴⁸ FDO, p. 50, citing CollinsWoerman, p. 88, CO 010677.

⁴⁹ WAC 222-16-010: "Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local governmental entity indicating the limits of harvest areas, road locations and open space."

1 State for a forest practices permit. The COHP and its conditions become conditions of the
2 forest practices permit, which the State administers. RM078.

3 15. The Forest Practices Permit was issued August 10, 2012. R Ex. 11. The permit
4 limits timber harvest volume to 40%, RM 231, specifies "All harvest areas will be selectively
5 cut," RM 022, requires leaving at least 100 vigorous, undamaged and well-distributed
6 saplings or merchantable trees per acre, RM 231, retains all trees in stream and wetland
7 areas, and mandates additional long-term tree retention in a 200-foot buffer adjacent to the
8 I-90 freeway, RM 022, RM 238. The permit did not allow a clearcut.⁵⁰

9
10 16. Condition No 5810 of Puget Western's COHP advised that the site was within the
11 Mountains to Sound Greenway and further advised that Puget Western notify the Greenway
12 of the intended timber harvest. R. Ex. 11, RM 073. Doug Schindler, Deputy Director of the
13 Greenway was so notified. RM078; RM073.

14 17. The timber harvest was completed. R Ex. 2, Bob Sterbank site photographs; R
15 Ex. 9, Declaration of Jon Pederson, King County DPER Site Development Specialist, with
16 site photographs; R Ex. 11, Forest Practices Permit.⁵¹

17
18 18. Puget Western subsequently submitted a boundary line adjustment application
19 and site plan which accommodates four 5-acre home sites and a larger 31-acre parcel
20 under R5-A zoning. R Ex. 8, Boundary Line Adjustment and Site Plan (May 27, 2014). King
21 County has conditionally approved the site plan, pending inspection and verification of
22 compliance with COHP and FPP conditions. R Ex. 3, Puget Sound Boundary Line
23 Adjustment (June 2, 2014).

24
25 19. No evidence in the record or in the supplemental evidence proffered by either
26 party shows that low density rural lots with 60% retained timber and a 200' treed buffer
27 along the freeway is contrary to any King County plan or regulation.
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⁵⁰ WAC 222-16-010: "'Clearcut' means a harvest method in which **the entire stand of trees is removed** in one timber harvest operation." (emphasis added)

⁵¹ DNR follow-up site inspection, March 21, 2014. R Ex. 11, RM 227.

1 **Conclusion**

2 Having reviewed the record, including the supplemental evidence admitted here, and
3 having considered the briefing and argument of counsel, the Board finds the timber harvest
4 and rural lots authorized by King County within the requested UGA expansion site have no
5 bearing on the question whether Snoqualmie demonstrated a need for additional urban
6 growth area to accommodate commercial retail or whether King County erred in denying the
7 requested urban expansion. The Greenway location of the proposed UGA expansion was of
8 minor significance to the Board's decision that King County's failure to grant the City's
9 request did not violate the GMA. King County's action is supported by facts in the record
10 and is not called into question by the supplementary information submitted on fact finding.

11 Based on review of the record and the supplemental evidence admitted here, the
12 Board finds no basis for reconsideration of its August 12, 2013 Final Decision and Order.
13
14

15 **CORRECTIONS TO FINAL DECISION AND ORDER**

16 Based on the remand from Superior Court and on the foregoing findings of fact, the
17 Board makes the following corrections to its Final Decision and Order (August 12, 2013):
18

19 Page 3, line 11, Procedural Background is expanded by adding a summary of the
20 Court's remand and the Board's procedure:
21

22 On appeal to Thurston County Superior Court, Case No. 13-2-01841-9, the City
23 presented new information about development on the property requested for UGA
24 expansion. The Court remanded the matter to the Board for administrative fact finding
25 pursuant to RCW 34.05.562(2)(b) concerning "the status of the UGA amendment site and
26 the Mountains to Sound Greenway."⁵² Numerous supplemental exhibits were submitted,
27 and a hearing on remand was held September 23, 2014. On October 29, 2014, the Board
28 issued its Order on Remand,⁵³ supplementing the record, making additional findings of fact,
29
30
31

32 ⁵² Order Granting Motion to Supplement and Remanding for Administrative Fact Finding Proceedings (June 13, 2014).

⁵³ Order on Remand, Supplementing the Record, Making Findings of Fact, and Amending the Final Decision and Order, October 29, 2014.

1 and requiring clarification and corrections to the Final Decision and Order based on the fact
2 finding.

3
4 Page 3, footnote 3 is corrected (with apologies for misspelling):

5 ... Rodger McCollum, Superintendent of King County Public Hospital District No. 4,
6 one of the property owners in the proposed UGA expansion area.

7
8 Page 34, footnote 110 is expanded by adding:

9 On remand for administrative fact finding, the Board found King County
10 comprehensive plan policy T-316 provides: "King County shall support and encourage the
11 preservation and enhancement of scenic, historic, and recreational resources along the
12 designated Washington Scenic and Recreational Highways located in the county, including
13 I-90 (Mountains to Sound Greenway)," ...CO 006743. The City of Snoqualmie 2006 Plan
14 policy 2.C.7 provides: "Participate with the Mountains to Sound Greenway Trust ... to
15 protect the scenic nature of the I-90 corridor and the Upper Snoqualmie Valley." Remand
16 Exhibit 14.

17
18
19 Page 49, line 1 through line 11, is revised as follows:

20 Some of the rural land at the interchange was acquired for proposed UGA expansion
21 to accommodate a hospital which is now being built inside city limits. On remand for
22 administrative fact finding, the Board found:

- 23
24 • the hospital district operates administrative offices on a portion of the 20.85
25 acres it owns in the requested UGA expansion area.⁵⁴
- 26 • Puget Western, Inc. owns 51.58 acres of the proposed UGA expansion site
27 and has selectively logged the site under R5-A zoning.⁵⁵

30
31 ⁵⁴Under R5-A zoning, public agency office use is allowed as a conditional and/or unclassified use. Remand
32 Exhibit 13, Declaration of Rodger McCollum, Superintendent, King County Public Hospital District No.4,
August 12, 2014.

⁵⁵ Remand Exhibit 1, Puget Western Snoqualmie COHP Site Plan (July 22, 2013); Remand Exhibit 11, Puget
Western's Washington State Department of Natural Resources Forest Practices Permit (August 10, 2012).

1 This land is now proposed for UGA expansion for retail uses. On remand the Board
2 determined the timber harvest and low-density rural development authorized by King County
3 has no bearing on the question whether Snoqualmie demonstrated a need for additional
4 urban growth area to accommodate commercial retail to serve its citizens.

5 The requested I-90 UGA is within the Mountains to Sound Greenway. The Mountains
6 to Sound Greenway is a non-governmental initiative to preserve and enhance the landscape
7 on both sides of the I-90 corridor from peak to peak and from the Puget Sound waterfront to
8 Elk Heights east of Cle Elum.⁵⁶ The Mountains to Sound Greenway Trust was formed in
9 1991 in an effort to ensure that scenic beauty, outdoor recreation, colorful pioneer history,
10 and natural resources along Interstate 90 would be sustainable and vital as the region
11 grew.⁵⁷

12 The Mountains to Sound Greenway designation does not itself impose any limitation
13 on development. Local governments in the corridor incorporate the Greenway vision into
14 their comprehensive plans and development regulations pursuant to their own processes
15 and authorities.⁵⁸ Both the County and Snoqualmie have documented commitments to the
16 Mountains to Sound Greenway vision and implementation.⁵⁹ ~~The County Comprehensive~~
17 ~~Plan policies identify the Mountains to Sound Greenway as “the backbone of the county’s~~
18 ~~open space system,”⁶⁰ and the means of protecting scenic resources “along [a] designated~~
19 ~~Washington Scenic and Recreational Highway.”⁶¹ The City also supports the Greenway,~~
20 ~~having preserved a large city-owned tract south of I-90 as Snoqualmie Point Park.~~⁶²

21 On remand for administrative fact finding, the Board determined the Greenway vision
22 for scenic protection at I-90 interchanges was relevant to the County’s review of the
23 requested UGA expansion but was of minor significance to the County’s denial of the
24 request.

25 ⁵⁶ Remand Exhibit 6, Mountains to Sound Greenway: Twenty Years (2010).

26 ⁵⁷ Remand Exhibit 4, Mountains to Sound Greenway: A Vision in Progress (1993).

27 ⁵⁸ See Remand Exhibit 10B, WSDOT Mountains to Sound Greenway Implementation Plan, Vol. 3, Roadside
28 Master Plan (May, 1997).

29 ⁵⁹ See generally, HOM Ex. 4; CollinsWoerman Study, CO 010601.

30 ⁶⁰ Ordinance 17485, Attachment A, Comprehensive Plan, Open Space System at 6-9, CO 006680.

31 ⁶¹ *Id.* Attachment A, Transportation at 7-30, Policy T-316, CO 006743.

32 ⁶² Post-hearing Materials response, July 1, 2013 letter from Pat Anderson, p. 2.

1 Page 53, line 21, add:
2 After fact finding on remand, the Board determined this fact was of minor significance
3 to the County's decision.

4
5 Page 56, line 17, insert:
6 The matter was remanded to the Board by the Superior Court of Thurston County,
7 Case No. 13-2-01841-9, for administrative fact finding upon the City's presentation of
8 information about timber harvest and preparation for rural development on a part of the
9 property requested for UGA expansion. Upon review, the Board supplemented the record
10 and made additional findings of fact. The Board determined the new facts required some
11 correction of the text of this order but provided no grounds for reversal or modification of the
12 Board's ruling on the merits.

13
14
15 **ORDER**

16 In accordance with the Order Granting Motion to Supplement and Remanding for
17 Administrative Fact Finding Proceedings issued June 13, 2014 by the Superior Court of
18 Thurston County, Case No. 13-2-01841-9, the Board supplements the record, enters
19 findings of fact, and corrects its August 12, Final Decision and Order as set forth herein.
20

21
22 SO ORDERED this 29th day of October, 2014.

23
24
25 _____
Cheryl Pflug, Board Member

26
27
28 _____
Margaret Pageler, Board Member

29
30 Unavailable for Signature
31 _____
Charles Mosher, Board Member
32

SUPPLEMENTATION MATRIX

The Board reviewed the numerous documents submitted by the parties and admitted or denied supplementation as indicated.

Date	Document	Item	Offered	Ruling	Ex. No.
3/12/2012	RM001	Puget Western's Conversion Option Harvest Plan, Site Plan, approved by King County subject to conditions July 22, 2013	Superior Court	Admitted	Ex. #1
undated	RM002-4	Photographs of Puget Western site taken by City Attorney Bob Sterbank	Superior Court	Admitted	Ex. #2
6/2/2014	RM005-11	Puget Western's Boundary Line Adjustment Application and associated Site Plan	Superior Court	Admitted	Ex. #3
1993	RM012-13	Mountains to Sound Greenway: A Vision in Progress (pamphlet)	County	Admit	Ex. #4
2006	RM014-21	Building in the Mountains to Sound Greenway: Strategies for Creating Value (pamphlet)	County	Deny - duplicative	
	RM022-39	Puget Western's Conversion Option Harvest Plan ("COHP")	County	Admit Page 1 only	Ex. #5
9/2010	RM040-67	Mountains to Sound Greenway: Twenty Years (report)	County	Admit	Ex. #6
7/22/2013	RM068	Puget Western's COHP Site Plan, approved by King County subject to revisions and conditions	County	Deny – duplicates Ex. 1	
5/16/2012	RM069-74	Puget Western's Grading/Clearing Permit, with conditions of approval	County	Admit	Ex. #7
5/2013	RM075	Mountains to Sound Greenway Map: Snoqualmie Valley	County	Deny – duplicates Ex. 6	
5/27/2014	RM076	Puget Western Boundary Line Adjustment, as reviewed by King County DPER	County	Admit	Ex. #8
7/17/2014	RM077-89	Declaration of Jon Pederson, DPER Site Development Specialist II, with attached site photographs	County	Admit – rebuttal to Ex. 2	Ex. #9
5/1997	RM122-224	Washington State Department of Transportation Mountains to Sound Greenway Implementation	County	Admit selected excerpts	Ex. #10A, #10B,

1			Plan: Vol. 3: Roadside Master Plan			#10C
2	8/10/2012	RM225-262	Puget Western's Washington State	County	Admit	Ex.
3			Department of Natural Resources			#11
4			Forest Practices Permit			
5	12/1990	RM263-270	Snoqualmie Valley Community	County	Deny –	
6			Plan Area Zoning (provisions		irrelevant	
7			concerning Preston)			
8	8/29/2014	RM271-278	Second Declaration of Jon	County	Deny –	
9			Pedersen with photo Ex. A-F,		irrelevant	
10			Preston interchange			
11	8/12/2014	Sterbank	Mountains to Sound Greenway	City	Deny –	
12		Declaration	Base Map (from website)		duplicates	
13		Ex. A			Ex. 6	
14	8/12/2014	Sterbank	Greenway "Mission and Vision"	City	Admit	Ex.
15		Ex. B	page (from website)			#12
16	8/12/2014	Sterbank	Greenway "Communities" page	City	Deny -	
17		Ex. C	(from website)		duplicates	
18					Ex. 6, RM	
19					058	
20	8/12/2014	Sterbank	Greenway "Sustainable Cities"	City	Deny-	
21		Ex. D	page (from website)		duplicative	
22	4/26/2013	Sterbank	House Bill 1785 "To Establish the	City	Deny - not	
23		Ex. E	Mountains to Sound Greenway		adopted	
24			National Heritage Area"			
25			(introduced)			
26	7/15/2014	Sterbank	Senate Bill 2602 "To Establish the	City	Deny – not	
27		Ex. F	Mountains to Sound Greenway		adopted	
28			National Heritage Area"			
29			(introduced)			
30	8/12/2014	Sterbank	Puget Western, Inc.'s website	City	Deny -	
31		Ex. G	page "about us"		irrelevant	
32	8/12/2014	Sterbank Ex.	Puget Western Inc.'s website page	City	Deny -	
		H	"current portfolio"		irrelevant	
	8/12/2014	Sterbank	Puget Western Inc.'s website page	City	Deny -	
		Ex. I	"Echo Lake Site"		duplicative	
	6/13/2014	Sterbank Ex.	Order Granting Motion to	City	Admitted on	
		J & K	Supplement, and Verbatim Report		remand	
			of Proceedings			
	8/12/2014	McCollum	Declaration of Rodger McCollum	City	Admit	Ex.
		Declaration				#13
	8/8/2014	Van	Declaration of Ava Van with	City	Deny –	
		Declaration	photographs of Preston		irrelevant	
		Ex. A-F	interchange, Ex. A-E, and location			
			map, Ex. F			
	5/1998	Sterbank	WSDOT Mountains to Sound	City	Deny –	

	Reply Dec. Ex. E-G	Greenway Implementation Plan, Excerpts Vol. I, II, IV		redundant – Ex. 10A, 10B	
2006	Sterbank Reply Dec. Ex. H	Snoqualmie Vicinity Comprehensive Plan 2006 Amendments, 2-4, 2-5	City	Admit	Ex. #14
9/11/2014	Van Reply Dec. Ex. A-F	Declaration of Ava Van with photographs of North Bend interchanges, Ex. A-E, and location map, Ex. F	City	Deny – irrelevant	
	Stacy Surreply Ex. B	Mountains to Sound Greenway website “Snoqualmie Valley”	County	Stricken	
12/2012	Stacy Surreply Ex. C	King County Comprehensive Plan Community Plans – CP 940	County	Admit – in the record	Ex. #15

EXHIBITS ADMITTED ON REMAND

Remand Exhibit 1	Puget Western Snoqualmie COHP Site Plan, 7-22-2013
Remand Exhibit 2	Photographs of Puget Western site taken by Bob Sterbank
Remand Exhibit 3	Puget Western Boundary Line Adjustment Application, 6/2/2014
Remand Exhibit 4	Mountains to Sound Greenway: A Vision in Progress, 1993
Remand Exhibit 5	Puget Western Conversion Option Harvest Plan (COHP), page 1
Remand Exhibit 6	Mountains to Sound Greenway: Twenty Years, 2010
Remand Exhibit 7	Puget Western Grading/Clearing Permit, 5/16/2012
Remand Exhibit 8	Puget Western Boundary Line Adjustment and Site Plan, as reviewed by King County DPER, 5/27/2014
Remand Exhibit 9	Declaration of Jon Pederson, King County DPER Site Development Specialist, with attached Puget Western site photographs, 7/17/2014
Remand Exhibit 10	(Excerpts) WSDOT Mountains to Sound Greenway Implementation Plan, Vol. 3: Roadside Master Plan (May 1997)
R Ex. 10A	RM 125-126 Introduction
R Ex. 10B	RM 145-50 Goals for the Corridor, Existing Conditions
R Ex. 10C	RM 213 Built Environment Inventory Map I-90/SR 18 Interchange
Remand Exhibit 11	Puget Western's Washington State Department of Natural Resources Forest Practices Permit, 8/10/2012
Remand Exhibit 12	"Mission and Vision" page from Greenway Trust website, 8/12/2014
Remand Exhibit 13	Declaration of Rodger McCollum, 8/12/2014
Remand Exhibit 14	Snoqualmie Vicinity Comprehensive Plan 2006 Amendments, 2-4 and 2-5
Remand Exhibit 15	King County 2012 Comprehensive Plan: Community Plans – CP 940